

REMARKS

FORMAL MATTERS:

Claims 1-19 are now pending in this application.

Claims 7-10 and 16-18 have been amended and new claim 19 has been added.

The amendments to claim 7 are formal in nature making claim 7 dependent on new claim 19.

The amendments to claims 8-10 are also believed to be formal in nature and made in response to the 35 U.S.C. §112 rejection. In that the previously claimed “desired effect” is obtaining an erection the claims have been amended to specifically indicate such and thereby overcome the antecedent basis problem objected to by the Examiner.

The amendments to claims 16-18 are formal in nature and made to include proper punctuation at the end of each claim.

Newly added claim 19 is fully supported within the originally filed application at several places including at page 24, lines 1-4.

No new matter has been added.

REJECTIONS UNDER 35 U.S.C. §112

Claims 8-10 were rejected under 35 U.S.C. §112, second paragraph. As indicated above these claims have been amended in response to the objections and the amended claims are believed to be in proper form.

REJECTIONS UNDER 35 U.S.C. §102 OVER RADHAKRISHNAN ET AL. U.S. PATENT 4,895,719

Claims 7-13 and 15-18 were rejected as anticipated by Radhakrishnan et al. The rejection is traversed as applied and as it might be applied to the presently pending claims.

The Radhakrishnan et al. patent does not contain any teachings with respect to treating erectile dysfunction. Claim 7 as well as newly added claim 19 are specifically directed to a method of treating erectile dysfunction. Because such is not taught within Radhakrishnan et al. the claims are not anticipated by Radhakrishnan and reconsideration and withdrawal of the rejections are respectfully requested.

In the event the reference is applied under 35 U.S.C. §103 applicants also point out that those skilled in the art generally consider the administration of liposomes for controlled release formulations.

The present invention is designed to obtain effects as soon as possible and it would not be possible to use a controlled release formulation. In view of such the presently pending claims are believed to be patentable over Radhakrishnan et al.

35 U.S.C. §102 REJECTION OVER RABINOWITZ ET AL. U.S. PATENT 6,803,031

Claims 1, 5, 7-10 and 14-15 were rejected under 35 U.S.C. §102 as anticipated by Rabinowitz et al. The rejection is traversed as applied and as it might be applied against the presently pending claims.

Applicants point out that Rabinowitz et al. has as its earliest possible priority date of May 24, 2001. The parent application to the present case was filed on March 19, 2001 and is now issued as U.S. Patent 6,632,419. Applicants point out that the administration of a vasodilator by inhalation is disclosed within the '419 patent at col. 19, line 64 though col. 12, line 2 as well as other places within this issued patent. Accordingly, the Rabinowitz et al. patent is not prior art with respect to the subject matter claimed within claims of the present application. In view of such reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. §102 REJECTION OVER U.S. PATENT 6,579,968

Claims 7-13 and 15-18 were rejected under 35 U.S.C. §102 as anticipated by Blood et al. U.S. Patent 6,579,968. The rejection is traversed as applied and as it might be applied to presently pending claims.

Blood et al. does not contain a disclosure with respect to the inhalation of the vasodilator or with respect to the inhalation of sildenafil. Accordingly, Blood et al. does not anticipate previous claims 7-13 or 15-18 and does not anticipate new claim 19 or the claims as currently amended.

Further, applicants point out that Blood et al. makes reference to various forms of administration and appears to refer to inhalation for the possible administration of the specific peptide which is disclosed within Blood et al. There does not appear to be a disclosure of the inhalation of vasodilators or of sildenafil. Accordingly, the present claims are believed to be patentable over Blood et al.

REJECTION OVER STANIFORTH ET AL. U.S. PATENT PUBLICATION NO. US 2004/0204440 A1

Claims 7-13, and 15-18 were rejected as anticipated by Staniforth et al. U.S. Publication No. 2004/0204440. The rejection is traversed as applied and as it might be applied to the presently pending claims.

The earliest possible priority date for the Staniforth et al. application appears to be April 14, 2003. The parent application was filed on March 19, 2001 and is issued U.S. Patent 6,632,419. As pointed out above applicants have support for the claims within this earlier case. Accordingly, the Staniforth et al. application is not prior art with respect to these claims and reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION OVER NGUYEN ET AL. U.S. PUBLICATION NO. US 2004/0081624 A1

Claims 1, 5, 7 and 11-18 were rejected under 35 U.S.C. §102 as anticipated by Nguyen et al. application 2004/0081624. The rejection is traversed as applied and as it might be applied against the presently pending claims.

The earliest possible priority date for Nguyen et al. is the provisional application filed September 6, 2002. The claims of the present application are entitled to priority to at least as early a date as March 19, 2001 by the parent application which is issued U.S. Patent 6, 632,419. As pointed out above the support within this issued patent shows that Nguyen et al. is not prior art with respect to the present claims. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

DOUBLE PATENTING REJECTION

Claims 1-7 and 11-18 were rejected under the judicially created doctrine of obviousness type double patenting. The rejection is traversed as applied and as it might be applied to the presently pending claims.

Without acquiescing to the rejection applicants wish to expedite prosecution. Accordingly, applicants have attached hereto a Terminal Disclaimer thereby rendering the rejection moot.

CONCLUSION

The claims have been amended to overcome the formal objections raised under 35 U.S.C. §112. Distinguishing features between the claims and the cited art have been pointed out with respect to some

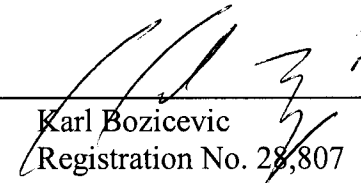
art and with respect to other art applicants have pointed out that the cited art is not prior art with respect to the present claims in view of applicants earlier priority date. Further, without acquiescing to the double patenting rejection applicants have attached a Terminal Disclaimer. Accordingly, all of the rejections are believed to have been overcome or rendered moot and reconsideration and allowance are respectfully requested.

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AERX-080CIP2.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 30/MAY/06

By: 
Karl Bozicevic
Registration No. 28,807

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

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